

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1378-MN
)	
MASIMO CORPORATION and)	JURY TRIAL DEMANDED
SOUND UNITED, LLC,)	
)	
Defendants.)	
)	

**STIPULATION AND [PROPOSED] ORDER
TO EXTEND PAGE LIMITS FOR MOTION TO DISMISS**

WHEREAS, Plaintiff Apple Inc. (“Apple”) filed its Complaint For Patent Infringement on October 20, 2022 (D.I. 1);

WHEREAS, Defendant Masimo Corporation (“Masimo”) filed its Answer To Complaint And Counterclaims on December 12, 2022 (D.I. 15);

WHEREAS, Masimo’s Answer To Complaint And Counterclaims is 162 pages (plus 700 pages of exhibits) and asserts 31 counterclaims, including counterclaims for Monopolization, 15 U.S.C. § 2 (First Count); Attempted Monopolization, 15 U.S.C. § 2 (Second Count); Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) (Third Count); California’s False Advertising Law Cal. Bus. & Prof. Code §§ 17500, *et seq.* (Fourth Count); Delaware Deceptive Trade Practices Act Del. C. § 2532 *et seq.* (Fifth Count); California’s Unfair Competition Law Cal. Bus. & Prof. Code §§ 17200, *et seq.* (Sixth Count); infringement of 10 Masimo patents (Seventh through Sixteenth Counts); and declaratory judgments with respect to Apple’s patents (Seventeenth through Thirty-First Counts) (*id.*);

WHEREAS, given the number of counterclaims and issues raised therein, Apple believes that additional briefing beyond the page limits set forth in Local Rule 7.1.3 is necessary to properly brief the issues and has requested that Masimo agree to additional briefing;

WHEREAS, subject to the approval of the Court, Masimo agrees to Apple's request for additional briefing;

IT IS HEREBY STIPULATED AND AGREED, by the parties and subject to the approval of the Court, that the page limits imposed by Local Rule 7.1.3 for Apple's motion to dismiss and for Masimo's answering brief each shall be increased from 20 pages to 35 pages and for Apple's reply brief shall be increased from 10 pages to 15 pages.

POTTER ANDERSON & CORROON LLP

PHILLIPS MCLAUGHLIN & HALL, P.A.

By: /s/ Bindu A. Palapura
David E. Moore (#3983)
Bindu A. Palapura (#5370)
Andrew L. Brown (#6766)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
abrown@potteranderson.com

By: /s/ John C. Phillips, Jr.
John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, DE 19806
Tel: (302) 655-4200
jcp@pmhdelaw.com
mch@pmhdelaw.com

*Attorneys for Defendants Masimo
Corporation and Sound United, LLC*

Attorneys for Plaintiff Apple Inc.

Dated: February 2, 2023
10574964/12209.00052

IT IS SO ORDERED this _____ day of February 2023.

The Honorable Maryellen Noreika
United States District Court Judge